

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHNNY BANTA,
 Plaintiff,
 vs.
 UNITED STATES, *et al.*,
 Defendants.

2:13-cv-00222-JCM-PAL

ORDER

Plaintiff, who is proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff's civil rights complaint concerns allegations of mistreatment at a detention facility in Tucson, Arizona.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

In this case, none of the defendants reside in this district. The claim arose in Pima County,

1 Arizona, which is within the District of Arizona. Therefore, plaintiff's claim should have been filed
2 in the Tucson Division of the United States District Court for the District of Arizona. In the interests
3 of justice, a federal court may transfer a complaint filed in the wrong district to the correct district.
4 *See* 28 U.S.C. § 1404(a); *Starnes v. McGuire*, 512 F.2d 918, 932 (D.C. Cir. 1974).

5 **IT IS THEREFORE ORDERED** that this action is **TRANSFERRED** to the United States
6 District Court for the District of Arizona, Tucson Division.

7 **IT IS FURTHER ORDERED** that plaintiff shall file all future papers and pleadings with
8 the United States District Court for the District of Arizona, Tucson Division, at the Evo A.
9 DeConcini U.S. Courthouse, 405 W. Congress St., Suite 1500, Tucson, AZ 85701-5010, unless
10 otherwise directed by the court.

11 **IT IS FURTHER ORDERED** that plaintiff shall file no further papers or pleadings in this
12 action in this United States District Court for the District of Nevada.

13 Dated March 1, 2013.

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16 UNITED STATES DISTRICT JUDGE
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